IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 4707 of 2007(I)

PETITIONERS:
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1. **PAULIN, AGED 52,**
   W/O. KUNJAPPAN, ARAYAKULATH HOUSE,
   NAYARAMBALAM P.O., VYPIN.

2. **SANTHA, AGED 45,**
   W/O. LAKSHMANAN, PUTHUVELISTHALATHU,
   NAYARAMBALAM P.O., VYPIN.

3. **KOMALA, AGED 44,**
   W/O. SUDHAKARAN, PANDISHALACKAL,
   NAYARAMBALAM P.O.

4. **PAULY, AGED 44,**
   W/O. REMESAN, SANTHAVUNKAL HOUSE,
   NAYARAMBALAM P.O., VYPIN.

5. **GOPI, AGED 62,**
   S/O. KOCHAYYAPPAN, VALIYAPURACKAL HOUSE,
   NAYARAMBALAM P.O., VYPIN.

BY ADV. SRI.A.X.VARGHESE

RESPONDENTS:
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1. **SUPERINTENDENT OF POLICE,**
   ALUVA (RURAL), ERNAKULAM.

2. **CIRCLE INSPECTOR OF POLICE,**
   NARACKAL, VYPIN.

3. **SUB INSPECTOR OF POLICE,**
   NARACKAL POLICE STATION, VYPIN.

4. SECRETARY,
NAYARAMBALAM GRAMA PANCHAYATH, VYPIN.

5. NEELAMBARAN, S/O. KOCHARAPPAN,
POOTHOLIL, NAYARAMBALAM P.O.,PUTHENKADAPPURAM.

6. RAMESH, S/O. FALGUNAN,
POOTHOLIL, NAYARAMBALAM P.O.,PUTHENKADAPPURAM,
VYPIN, ERNAKULAM DISTRICT.

7. ASHOKAN, S/O. RAGHAVAN,
MADATHINKAL, NAYARAMBALAM P.O.,PUTHENKADAPPURAM,
VYPIN, ERNAKULAM DISTRICT.

BY ADV. SRI.C.A.CHACKO FOR R4
SRI.T.N.SURESH FOR R5 TO R7
SRI.ROY THOMAS
GOVT.PLEADER SRI.P.A.SALIM

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C).4707/2007

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: COPY OF THE COMPLAINT MADE TO THE 3RD RESPONDENT DATED 23.1.2007.

EXT.P2: COPY OF THE COMPLAINT MADE TO THE 3RD RESPONDENT DATED 23.1.2007.

EXT.P3: COPY OF THE COMPLAINT TO THE 4TH RESPONDENT DATED 23.1.2007.

EXT.P4: COPY OF THE COMPLAINT BEFORE THE 1ST RESPONDENT DATED 23.1.2007.

EXT.P5: COPY OF THE REGISTERED POSTAL RECEIPT.

RESPONDENT'S EXHIBITS:

EXT.R4(A): COPY OF DECISION TAKEN BY PANCHAYAT ON 28.12.2006.

EXT.R5(A): COPY OF COMPLAINT DATED 1.11.2006 SUBMITTED TO THE 4TH RESPONDENT.

EXT.R5(B): COPY OF COMPLAINT DATED 1.11.2006 SUBMITTED TO THE PUBLIC HEALTH OFFICER.

EXT.R5(C): COPY OF REPORT DATED 30.11.2006 SUBMITTED BY THE PUBLIC HEALTH OFFICER TO THE 4TH RESPONDENT.

/TRUE COPY/

J.B.KOSHY & T.R.RAMACHANDRAN NAIR, JJ.

W.P.(C).NO.4707 OF 2007 (J)

Dated this the 27th day of February, 2007

J U D G M E N T

KOSHY,J.

This is a petition for police protection filed by a group of peeling workers and owner of the peeling shed stating that their work is unnecessarily obstructed by respondents 5 to 7. According to the counsel for respondents 5 and 7, they are not taking law into their hands and peeling sheds are unauthorised peeling sheds. Counsel for the 4th respondent Panchayat submitted that peeling sheds are working without obtaining licence from the Panchayat. Petitioner has filed Ext.P3 representation to the Panchayat. Before starting the working of the peeling sheds, they have to get the permission from the Pollution Control Board, Marine authorities, clearance from the Medical Officer and licence from the Panchayat. However, Panchayat may dispose of Ext.P3 as expeditiously as possible. However without getting adequate clearances from all

statutory authorities, we are unable to grant protection for running an unlicensed peeling shed. In the above circumstances, Petitioner is directed to get clearance from the statutory authorities. If after getting the licences and obtaining the required consent from all authorities, if there is any obstruction, petitioner can approach the police for protection. With the above observations this writ petition is disposed of.

J.B.KOSHY, JUDGE

T.R.RAMACHANDRAN NAIR, JUDGE

prp

J.B.KOSHY & K.P.BALACHANDRAN, JJ.

O.P.NO. OF 2006 ()

J U D G M E N T

1th January, 2007